Re: ET Docket No. 04-37

Gentlemen:

I would like to this opportunity to comment on the Notice of Proposed Rule Making for FCC docket ET Docket No. 04-37 (Amendment of Part 15/ Access Broadband over Power Lines, BPL). As a licensed amateur radio operator since 1988 (N4SSU) and a shortwave listener since the early 1970's, the FCC's proposed changes to Part 15 for BPL are of a great interest to me.

I am pleased to see that the FCC shares my concern regarding potential interference to licensed services by BPL. However, I don't feel that the NPRM was specific enough about correcting and/or mitigating interference to licensed services. The Commission requires a speedy resolution of any interference, but the NPRM gives no definition for use of the term "speedy". What will be a speedy resolution: 10 minutes, 10 hours, 1 day, 1 week? For example, if a licensed amateur operator or shortwave listener contacts the utility regarding interference at eight pm Friday, will he have to wait until the next business day (Monday) to have the interference mitigated? The FCC should revise the rulemaking to include a time limit in which the utility must respond and correct the problem, and place some sort of fine structure for failures to meet this requirement.

I am particularly concerned that the amateur operator or shortwave listener will be "labeled" as a troublemaker and over time his complaints will get little or no attention. The particular nature of amateur radio and shortwave listening is that we use -- and in the case of "hams" transmit -- over a wide group of frequencies in the HF band. Unlike fixed services, where BPL could be notched, we use frequencies located throughout the HF bands based on propagation factors. The FCC's NPRM needs to specifically address the time frame for interference resolution.

As I said earlier, I have been a shortwave listener since the early 1970's. Periodically I have had interference from my local electric utility ranging from RF hash from burned-out streetlights to specific band interference due to faulty insulators. In almost all instances, the problem was corrected, but often it required multiple calls over several weeks before my concerns were investigated and corrected. Generally, the problem arose from the fact that most of the utility personnel were totally unaware of problems their equipment could cause to radio communication and a lengthy discussion and in one case a demonstration was needed. Therefore, I don't think it unreasonable for the Commission to add to this NPRM that the utilities must have an employee assigned to the BPL division who is conversant with radio communication and the potential for interference, and that this individual must be available during regular business hours to discuss interference issues and solutions with the public.

I hope my comments here will be helpful to the Commission and I will continue to follow closely the Rulemaking Proceedings for the deployment of BPL.

Sincerely yours,
Edward V Breeden III
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